

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

<b>ROBERT BRADEN,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 14-4215-RMB-JS</b>
	)	
<b>LOCKHEED MARTIN CORPORATION,</b>	)	
	)	
<b>Defendant.</b>	)	

**PROTECTIVE NOTICE OF APPEAL**

Notice is given that Defendant Lockheed Martin Corporation hereby appeals the following rulings made by the district court on December 18, 2017 (Dkt. 141), to the United States Court of Appeals for the Third Circuit:

- (1) The denial of Lockheed's motion for judgment as a matter of law on the issue of liability under the Age Discrimination in Employment Act (ADEA), 29 U.S.C. §§ 621 *et seq.*, and the New Jersey Law Against Discrimination (NJLAD), N.J.S.A. §§ 10:5-1 *et seq.*;
- (2) The denial of Lockheed's motion for a new trial on the issue of liability under the ADEA and the NJLAD; and
- (3) The denial of Lockheed's motion for remittitur of emotional-distress damages under the NJLAD.

Lockheed also appeals any and all adverse rulings incorporated in, antecedent to, or ancillary to those rulings.

Lockheed recognizes that these rulings may not constitute "final decisions" under 28 U.S.C. § 1291 and Federal Rule of Appellate Procedure 4(a). *See Tye v. Hertz Drivursel Stations*, 173 F.2d 317, 318 (3d Cir. 1949); *Jones v. Town of East Haven*, 331 Fed. Appx. 43, 44 (2d Cir. 2009); *Southern Railway Co. v. Madden*, 224 F.2d 320, 320 (4th Cir. 1955); *Howell v. Terminal Railway Ass'n*, 155 F.2d 807, 808 (8th Cir. 1946). This notice of appeal is designed only to protect

Lockheed's appellate rights should the court of appeals conclude otherwise. *See, e.g., Hentif v. Obama*, 733 F.3d 1243, 1250 (D.C. Cir. 2013); *United States v. Owen*, 553 F.3d 161, 164-165 (2d Cir. 2009); *Icon Health & Fitness, Inc. v. Sportcraft, Ltd.*, 85 Fed. Appx. 741, 742 (Fed. Cir. 2003). Should the court of appeals determine that the appeal is premature, Lockheed requests that the court hold this notice in abeyance until judgment is entered after completion of the new trial on punitive damages. *Cf. Life Plus Int'l v. Brown*, 317 F.3d 799, 804 (8th Cir. 2003); *Owen*, 553 F.3d at 164.

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**ATTORNEYS FOR DEFENDANT  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 10, 2018, I electronically filed the foregoing Notice of Appeal with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

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/s/ Anjanette Cabrera  
Anjanette Cabrera